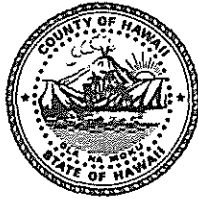


Stephen K. Yamashiro
Mayor



Virginia Goldstein
Director

Norman Olesen
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
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COPY

August 8, 1996

Mr. Robert Latenser
P.O. Box 695
Mountain View, HI 96771

Dear Mr. Latenser:

Special Management Area Use Permit Assessment Application
No. 95-38

Special Management Area Minor Use Permit No. 50 (SMM 50)

Applicant: Robert Latenser

Request: Addition of a Covered Entry to J&J Hardware Building

Tax Map Key: 2-1-06: 5; Waiakea, South Hilo, Hawaii

We are in receipt of the above-described application on June 26, 1996, to allow the construction of a covered entry at the main entrance to the J&J Hardware building. The proposed improvements would not exceed \$125,000 in valuation. It has been determined that the proposed improvements will not have an significant adverse impact to coastal resources. Therefore, we are hereby issuing Special Management Area Use Permit No. 50 to allow the construction of a covered entry for the reasons as detailed below.

APPLICANT'S REQUEST

1. **Request:** The applicant proposes to construct a covered entry at the main entrance to the existing J&J Hardware store. According to plans submitted, the proposed entry structure will have approximate roof dimensions of 12 feet by 22 feet with an overall height of approximately 12 feet. The covered entry will be structurally attached to the existing J&J Hardware store building.
2. **Reason for Request:** According to the applicant, the proposed improvements will "provide a means by which customers will be more able to identify the main entry to the existing building."

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3. **Total Valuation:** The proposed improvements is anticipated to cost \$3,000.

STATE AND COUNTY PLANS

4. **State Land Use District:** The project site is designated Urban by the State Land Use Commission.
5. **General Plan:** The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the affected area for Open uses, which are normally set aside for parks and historic places.
6. **Hilo Community Development Plan (CDP):** The Hilo CDP and Land Use Concept Map recommends that the affected area maintain its Open (O) designation. The Hilo CDP was adopted by Planning Commission Resolution in 1975.
7. **County Zoning:** The project site is designated Open (O) by the County Zoning Code. The existing structure and various industrial-types of uses have existed on the subject property prior to the adoption of the Zoning Code in 1967. The existing building and uses are therefore considered "non-conforming" pursuant to Section 25-79 of the Zoning Code.
8. **Special Management Area (SMA):** The property is located within the boundaries of the Special Management Area. Therefore, this Special Management Area Minor Use Permit is being issued in satisfaction of the Rules and Regulations of the Special Management Area.

DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA

9. **Subject Property:** The subject property is located at the corner of Kamehameha Avenue and Banyan Drive. The property, consisting of 35,843 square feet, is triangular in shape with frontages along both Kamehameha Avenue and Banyan Drive. The nearest shoreline is located at least 700 feet from the subject property.
10. **Existing Use:** The existing industrial-type structure has accommodated various industrial uses in excess of 50 years. The entire property has been extensively developed over the years to accommodate these various industrial uses. Aside from the J&J Hardware building, the remainder of the subject property is extensively paved in asphalt.

11. **USDA Soil Survey Report:** Keaukaha Series (rKFD) which consists of very dark brown muck about 8 inches thick and underlain by pahoehoe lava bedrock. The soil is strongly acid and rapidly permeable. The pahoehoe lava is very slowly permeable, but water moves rapidly through the cracks. Runoff is medium, and the erosion hazard is slight.
12. **ALISH:** The Agricultural Lands of Importance to the State of Hawaii (ALISH) map designates the affected area as Existing urban development.
13. **FIRM:** The Flood Insurance Rate Maps (FIRM) designates the project site as being located within an area outside of the 500-year flood plain (Zone X).
14. **Archaeological/Floral/Fauna Resources:** Since the late 1940's, the property has been used for industrial purposes; with the property extensively developed to accommodate this use. Therefore, historical sites or features or the presence of endangered species of plants or animals would not be present on the property.
15. **Surrounding Land Use Designation/Uses:** The project site is located adjacent to the south of the Banyan Golf Course, which is zoned Open by the County. The rest of the property is border by Kamehameha Avenue and Banyan Drive. Land uses in the immediate vicinity include various commercial and industrial uses on lands zoned Neighborhood Commercial (CN) and Limited Industrial (ML). These commercial and industrial uses are located to the south and east on the opposite sides of Kamehameha Avenue and Banyan Drive.

UTILITIES AND SERVICES

16. **Access:** Access to the project site is provided by either Kamehameha Avenue or Banyan Drive. As stated by the applicant, it wishes to emphasize the Kamehameha Avenue entrance as the main entrance to J&J Hardware.
17. **Other Essential Utilities and Services,** such as water, wastewater disposal, fire, police and emergency services are available to the subject property.

ASSESSMENT

The purpose of Chapter 205A-HRS, and Planning Commission Rule No. 9, Special Management Area Rules and Regulations of the County of Hawaii, is to preserve, protect, and where possible, to restore the natural resources of the island's coastal zone areas. Special controls on development within these areas have been enacted to prevent permanent

loss of valuable resources. Upon review of the subject request, the Planning Director finds that the proposed construction of a covered entry to the existing J&J Hardware store building is consistent with State and County Special Management Area policies, as outlined below:

- a) **Recreational Resources:** The proposed construction of a covered entry to an existing structure will not interfere with recreational uses of the coastal area due to its distance from shoreline and established recreational areas. The project site is located at the corner of Kamehameha Avenue and Banyan Drive, approximately 700 feet from the nearest shoreline.
- b) **Historical and Natural Resources:** The project site, similar to properties in the immediate area, have been extensively developed for industrial and commercial uses as well as a golf course. Therefore, adverse impacts to historical or natural resources within the project site are not anticipated. Nevertheless, a condition will be included to require the notification of the Planning Department should archaeological sites be encountered.
- c) **Scenic and Open Space Resources:** The subject property is not located within an area recognized by the General Plan as an example of natural beauty. Furthermore, this portion of Waiakea has been extensively developed for industrial and commercial uses and dominated by one and two-story structures which house a variety of uses. While the Banyan Golf Course surrounds the makai side of the subject property, the addition of a covered entry to an existing industrial building will not detract from the existing open space character along the makai side of this portion of Kamehameha Avenue provided by the golf course. Therefore, the proposed use will not have any effect upon the County's open space and scenic resources.
- d) **Coastal Ecosystems:** As previously mentioned, the distance of the project site from the shoreline areas would preclude any impact on coastal ecosystems. Due to the limited nature of the proposed improvements, concerns regarding runoff, erosion and ambient dust generated by construction activities will be extremely limited. Existing construction practices are sufficient to mitigate any potential impacts.
- e) **Economic Uses:** Economic benefits to be derived from the proposed improvements will be minimal and limited to exterior improvements to an existing structure.
- f) **Coastal Hazards:** The project site is located within an area outside of the 500-year flood plain (Zone X) and is not recognized as an area affected by coastal flooding hazards.

DETERMINATION

Based on the preceding assessment, the Planning Director has determined that the construction of a covered entry to an existing structure would not be contrary to the State and county policies governing the Special Management Area. The Planning Director hereby approves Special Management Area Minor Use Permit No. 50, **subject to the following conditions:**

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim or demand for the property damage, personal injury or death arising out of any act or omission of the applicant, its successors or assigns, officers, employees, contractors and agents under this permit or relating to or connected with the approval of this permit.
3. Final Plan Approval for the proposed covered entry, if required, shall be secured from the Planning Director.
4. Construction of the covered entry shall be completed within two (2) years from the date of this approval.
5. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walls be encountered, work in the immediate area shall cease and the Planning Director shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Director when it finds that sufficient mitigative measures have been taken.
6. An extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances:
 - a) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence;
 - b) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and

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- c) the time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).

- 7. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate procedures to revoke the permit.

Please feel free to contact Daryn Arai of my staff at 961-8288 should you have any questions.

Sincerely,


VIRGINIA GOLDSTEIN
Planning Director

DSA:pak

File: SMM50

SMM50.dsa

cc: Ms. Donna Kiyosaki, Chief Engineer
✓ SMA Section